



enable him to plead double jeopardy in the event of a later prosecution for the same offense." *United States v. Dunn*, 841 F.2d 1026, 1029 (10<sup>th</sup> Cir. 1988). *See also United States v. Sturmoski*, 971 F.2d 452, 460 (10<sup>th</sup> Cir. 1992). A bill of particulars is not a discovery device. *United States v. Dunn*, 841 F.2d at 1029. The defendant is not entitled to know all the evidence the government will use against him at trial, but only the theory of the government's case. *United States v. Levine*, 983 F.2d 165, 166-67 (10<sup>th</sup> Cir. 1992). The decision to issue a bill of particulars falls within the discretion of the trial court. *United States v. Kunzman*, 54 F.3d 1522 (10<sup>th</sup> Cir. 1995).

Assistant United States Attorney Renee Camacho stated that the proof regarding the conspiracy during the eighteen month period would consist of the testimony of two or three cooperating witnesses. One of those witnesses will testify that he supplied Billips with methamphetamine for resale to Billips during the eighteen month period and that Billips paid for the methamphetamine after Billips resold it. The other witness will testify that Billips supplied her with methamphetamine during the eighteen month period. A potential cooperating witness will testify that Billips supplied him with methamphetamine. Ms. Camacho has provided all law enforcement reports and some statements from the cooperating witnesses.

Defense counsel, Bernadette Sedillo, stated that she is unable to prepare a defense to the conspiracy charge covering the eighteen month period without more specific information about dates and amounts. Ms. Camacho replied that she is unable to disclose the exact information because she is not certain as to the witnesses' recollection of events.

The superseding indictment significantly expanded the time-frame of the conspiracy. If the witnesses will testify as to specific transactions, information concerning dates and amounts should be provided to Billips so that he can prepare a defense. If the cooperating witnesses will testify as to specific transactions, the government must reveal the information concerning dates and amounts.

If the cooperating witnesses will not testify as to specific transactions, the government must so state.

The government is ordered to disclose such information to defense counsel in the form of a letter on or before October 20, 2005. The motion is otherwise denied.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Robert Brack", written in a cursive style.

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**ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**